

# LAWS PROPOSED BY INITIATIVE PETITION AND SUBMITTED TO THE PEOPLE, 1964-2001

Subject of Petition	Date of Election	Action	Vote	
			For	Against
New legislation to allow licensed physicians to perform abortions upon demand if period of gestation has not exceeded 20 weeks. ....	Nov. 1972	Rejected	1,270,416	1,958,265
Repeal Act 6 of 1967, to permit the establishment of daylight saving time in Michigan. ....	Nov. 1972	Adopted	1,754,887	1,460,724
New legislation to prohibit use of nonreturnable beverage containers; to require refundable cash deposits for returnable containers; and to provide penalties for violation of the law. ....	Nov. 1976	Adopted <sup>1</sup>	2,160,398	1,227,254
Amend section 33 of, and add section 33a to, Act 232 of 1953, to revise standards for grant of parole and to prohibit grant of parole for certain defined crimes until court-imposed minimum sentence is served. ....	Nov. 1978	Adopted <sup>2</sup>	2,075,599	711,262
Amend sections 3105, 3140, and 3204 of Act 236 of 1961, to prohibit lender from using a "due on sale" clause in foreclosure proceedings on a mortgage or land contract unless security is impaired. ....	Nov. 1982	Rejected	1,344,463	1,445,897
Amend title and sections 6a and 6b of Act 3 of 1939, to prohibit utility increases without full notice or opportunity for hearing; to abolish all rate adjustment clauses; and to prohibit the public service commission from conducting 2 or more proceedings on same petition or application for rate increase and from conducting hearing on additional rate increase petition or application when utility already has petition or application pending. ....	Nov. 1982	Adopted <sup>3</sup>	1,472,442	1,431,884
New legislation calling for mutual, verifiable nuclear weapons freeze between the United States and the Union of Soviet Socialist Republics and requiring transmission of communication to United States government officials. ....	Nov. 1982	Adopted <sup>4</sup>	1,585,809	1,216,172
Amendments to auto insurance statutes. ....	Nov. 1992	Rejected	1,482,577	2,480,032
Amend the Natural Resources and Environmental Protection Act to limit bear hunting season and prohibit the use of bait and dogs to hunt bear. ....	Nov. 1996	Rejected	1,379,340	2,225,675
New legislation to permit casino gaming in qualified cities. ....	Nov. 1996	Adopted <sup>5</sup>	1,878,542	1,768,156
Amendatory legislation to legalize the prescription of a legal dose of medication to terminally ill, competent, informed adults in order to commit suicide. ...	Nov. 1998	Rejected	859,381	2,116,154

<sup>1</sup> Compiled as §445.571 et seq. of the Michigan Compiled Laws.

<sup>2</sup> Compiled as §§791.233 and 791.233b of the Michigan Compiled Laws.

<sup>3</sup> Following the enactment of Act 212 of 1982, which amended Act 3 of 1939 and was made subject to referendum, the legislature received an initiative petition to amend the 1939 statute, upon which it failed to act. Under the provisions of Const 1963, art 2, §9, the petition was placed on the ballot as Proposal D. Act 212 was placed on the ballot as Proposal H, following a court challenge to its submission to the voters (*Michigan State Chamber of Commerce v Secretary of State*, Court of Appeals No 65841 (1982)).

At the November 1982 general election, both Proposals D and H were approved, with Proposal H receiving 1,670,381 votes to Proposal D's 1,472,442 votes. Subsequently, an action was commenced in Ingham County Circuit Court seeking a declaratory judgment as to which of the two conflicting proposals would become effective. At the request of the governor, the Michigan Supreme Court asked the lower court to certify the controlling questions directly to the supreme court. Addressing the issue of whether Proposal H was validly enacted, the supreme court ruled that the legislature had enacted Proposal H subject to voter approval consistent with its power to approve legislation subject to referendum under Const 1963, art 4, §34. The court rejected the argument that the legislature was bound to act on the initiative under Const 1963, art 2, §9, pointing out that when the legislature enacted Proposal H, it had not yet received the certified initiative petition which later became Proposal D. *In re Proposals D and H, Michigan State Chamber of Commerce v State of Michigan*, 417 Mich 409, 398 NW2d 848 (1983).

To determine which proposal would become effective, the court "borrowed" the provision of Const 1963, art 2, §9, which states that if 2 or more measures approved by voters conflict, that receiving the highest affirmative vote shall prevail. The court held that Proposal H would become the effective statute based on its higher affirmative vote in the election. *In re Proposals D and H, supra*.

<sup>4</sup> Compiled as §3.851 et seq. of the Michigan Compiled Laws.

<sup>5</sup> Compiled as §432.201 et seq. of the Michigan Compiled Laws.